

2013 DRAFTING REQUEST

Assembly Joint Resolution

Received: **1/31/2013** Received By: **smiller**
Wanted: **As time permits** Same as LRB:
For: **Chris Taylor (608) 266-5342** By/Representing: **grace colas**
May Contact: Drafter: **smiller**
Subject: **Legislature - miscellaneous res.** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Taylor@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Advisory Referendum on Citizens United

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 2/5/2013	kfollett 2/21/2013	jmurphy 2/21/2013	_____			
/1	smiller 3/5/2013	kfollett 3/5/2013	jmurphy 3/5/2013	_____	sbasford 2/22/2013		
/2	smiller 3/25/2013	kfollett 4/3/2013	jmurphy 4/3/2013	_____	srose 3/5/2013		
/3	smiller	kfollett	phenry	_____	srose		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	4/8/2013	4/11/2013	4/12/2013	_____	4/3/2013		
/4	smiller 6/11/2013	kfollett 6/12/2013	phenry 6/12/2013	_____ _____	mbarman 4/12/2013		
/5				_____ _____	srose 6/12/2013	lparisi 8/9/2013	

FE Sent For:

<END>

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Handwritten notes:
 15/5f 6/12 ph
 6/12 ph

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/2	smiller 3/25/2013	kfollett 4/3/2013	jmurphy 4/3/2013	<u>X</u>	srose 3/5/2013		
/3		14kf 4/11	4/12 ph	_____	srose		

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/?	smiller	115f 2/21	gm 2/21	sub			

FE Sent For:

<END>

Kuesel, Jeffery

From: Colas, Grace
Sent: Thursday, January 31, 2013 1:37 PM
To: Kuesel, Jeffery
Subject: Citizens United Advisory Referendum

Jeff,

Here's the proposed language Representative Taylor would like to see in an advisory referendum on the Citizens United decision, to be placed on the November 4, 2014 ballot:

"The Citizens United Supreme Court ruling established corporate personhood for the purposes of political speech, thus allowing corporations to donate to political campaigns. Do you believe Congress should pass an amendment to the United States Constitution overturning this court decision, thus allowing government to regulate and restrict a corporation's ability to raise and spend money on elections?"

If you'd like more information on this topic, please see this article:

http://host.madison.com/ct/news/opinion/column/dave_zweifel/plain-talk-yes-we-need-referendum-on-unlimited-campaign-spending/article_76b71362-674d-11e2-b9a2-001a4bcf887a.html

Thanks!

Grace Colas

Legislative Intern

Office of Representative Chris Taylor, 76th Assembly District

grace.colas@legis.wisconsin.gov

Office: (608) 266-5342

Plain Talk: Yes, we need referendum on unlimited campaign spending

January 28, 2013 5:00 am • [DAVE ZWEIFEL](#) | The Capital Times editor emeritus | dzweifel@madison.com

It falls into the good-luck-with-that category, but nevertheless the Wisconsin Public Interest Research Group and nine other organizations have announced they're forming a coalition aimed at getting the Wisconsin Legislature to put an advisory referendum on the ballot about the growing problem of unlimited campaign spending.

The referendum would seek to get Wisconsin voters' opinion on the Supreme Court's controversial Citizens United decision, which opened the floodgates to unlimited campaign spending in recent federal and state elections.

"What to do about the flood of special interest money drowning out regular people's voices and dominating our government is one of the most pressing issues facing the country today," WISPIRG's Joe Rasmussen said in announcing the coalition, which includes the Wisconsin Democracy Campaign, the Center for Media and Democracy, and the People for the American Way.

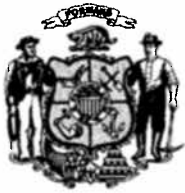
Obviously, there isn't much that any individual can do to get the court to overturn the decision that has legalized unlimited spending by corporations and shadowy interest groups. But the theory is that if referendums in enough states demonstrate Americans' distaste for the uncontrolled spending that in turn spurs all those tasteless and endless campaign attack ads, perhaps Congress can be convinced to propose a constitutional amendment that would make such spending illegal.

A report by the national organization Demos and WISPIRG called "Billion Dollar Democracy" reveals that it took just 32 billionaires and corporations giving an average of \$9.9 million apiece to super PACS to match every single dollar that small donors gave to the Romney and Obama campaigns in this past presidential election.

"When a tiny group of wealthy donors fuels political campaigns, they get to set the agenda in Washington, and the rest of us are left to argue over that agenda," pointed out Adam Lioz, one of the report's authors.

There's little chance that the current state Legislature, which is itself influenced by big campaign donors, will look favorably on this effort. But, what the heck, it's worth a try.

Dave Zweifel is editor emeritus of The Capital Times. dzweifel@madison.com



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-14577

SRM: *[Signature]*

in 2-5

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~ *[Handwritten mark]*

2013 ASSEMBLY JOINT RESOLUTION

Gen

- 1 **Relating to:** an advisory referendum on an amendment to the U.S. Constitution.

Analysis by the Legislative Reference Bureau

X
X
In the case of *Citizens United v. F.E.C.*, the U.S. Supreme Court ruled that corporations are “persons” for the purpose of political speech, thus allowing corporations to make unlimited expenditures in political campaigns. The U.S. Constitution grants Congress the power to propose amendments to the Constitution that become effective when ratified by the legislatures of three-fourths of the states. Amendments can have the effect of overturning—in effect repealing—prior decisions of the Supreme Court. This resolution places a question on the November 2014 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v F.E.C.*

- X*
2 ***Resolved by the assembly, the senate concurring, That*** the following
3 question be submitted, for advisory purposes only, to the voters of this state at the
4 general election to be held in November 2014:

3 (END)

Miller, Steve

From: Kuesel, Jeffery
Sent: Tuesday, March 05, 2013 1:51 PM
To: Miller, Steve
Subject: RE: Citizens United Advisory Referendum

Steve,

The *Citizens United* case actually permitted corporations to make direct expenditures on elections; direct contributions (donations) may still be prohibited. I would reword the question to reflect that change and advise Rep. Taylor.

Jeff

From: Colas, Grace
Sent: Tuesday, March 05, 2013 11:41 AM
To: Kuesel, Jeffery
Subject: RE: Citizens United Advisory Referendum

just not a question

Jeff,

Rep. Taylor would like another draft of the Citizens United Advisory Referendum. Here's the language she wants:

"The U.S. Supreme Court's decision in *Citizens United* established that corporations can exercise political speech, allowing corporations to donate to elections. Do you believe that Congress should pass an amendment to the United States Constitution overturning the *Citizens United* decision and thus allowing the government to regulate and restrict a corporation's ability to raise and spend money on elections?"

Thanks,
Grace Colas
Legislative Intern
Office of Representative Chris Taylor, 76th Assembly District
grace.colas@legis.wisconsin.gov
Office: (608) 266-5342

From: Kuesel, Jeffery
Sent: Thursday, January 31, 2013 4:56 PM
To: Colas, Grace
Subject: RE: Citizens United Advisory Referendum

Grace,
We will enter your request.

Jeffery T. Kuesel
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-6778
Jeffery.Kuesel@legis.wisconsin.gov

From: Colas, Grace
Sent: Thursday, January 31, 2013 1:37 PM

To: Kuesel, Jeffery

Subject: Citizens United Advisory Referendum

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Thanks!

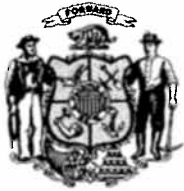
Grace Colas

Legislative Intern

Office of Representative Chris Taylor, 76th Assembly District

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Office: (608) 266-5342



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1457/1

SRM:kjf:jm

RMNR

in 3-5

2013 ASSEMBLY JOINT RESOLUTION

1 **Relating to:** an advisory referendum on an amendment to the U.S. Constitution.

Analysis by the Legislative Reference Bureau

In the case of *Citizens United v. F.E.C.*, the U.S. Supreme Court ruled that corporations are “persons” for the purpose of political speech, thus allowing corporations to make unlimited expenditures in political campaigns. The U.S. Constitution grants Congress the power to propose amendments to the Constitution that become effective when ratified by the legislatures of three-fourths of the states. Amendments can have the effect of overturning—in effect repealing—prior decisions of the Supreme Court. This resolution places a question on the November 2014 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v. F.E.C.*

2 **Resolved by the assembly, the senate concurring, That** the following
3 question be submitted, for advisory purposes only, to the voters of this state at the
4 general election to be held in November 2014:

5 “Should Congress propose an amendment to the U.S. Constitution to allow
6 government to limit a corporation’s power to spend money on elections?”

7 (END)

INSERT #1

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1457/lins
SRM:kjf:jm

INSERT #1

1

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7

“The U.S. Supreme Court’s decision in *Citizens United* established that corporations can exercise political speech, allowing corporations to make direct expenditures on elections. Do you believe that Congress should pass an amendment to the ^{U.S.} United States Constitution overturning the *Citizens United* decision and thus allowing the government to regulate and restrict a corporation’s ability to raise and spend money on elections?”

Miller, Steve

From: Trost, Craig
Sent: Friday, March 22, 2013 5:42 PM
To: Miller, Steve
Cc: Colas, Grace
Subject: Citizens United advisory referendum

Our apologies, but we're going to take a third crack at the actual question in LRB-1457.

Can you word the question:

"The U.S. Supreme Court's decision in *Citizens United* and related cases allow corporations to spend unlimited amounts of money to influence our local, state and federal elections. Do you believe that Congress should pass an amendment to the U.S. Constitution overturning these decisions? This would allow the American people, through our elected representatives, to regulate election-related spending to ensure that all citizens, regardless of wealth, can express their views to one another and their government on a level playing field.

Craig Trost

Office of Rep. Chris Taylor

Want the scoop? Check us out at:

<http://taylor.assembly.wi.gov>

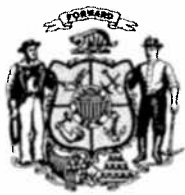
Follow Rep. Taylor on [Facebook](#) or [Twitter](#)

PO Box 8953

Madison, WI 53708

608.266.5342

Craig.trost@legis.wi.gov



in 3-25

2013 ASSEMBLY JOINT RESOLUTION

1 **Relating to:** an advisory referendum on an amendment to the U.S. Constitution.

Analysis by the Legislative Reference Bureau

In the case of *Citizens United v. F.E.C.*, the U.S. Supreme Court ruled that corporations are “persons” for the purpose of political speech, thus allowing corporations to make unlimited expenditures in political campaigns. The U.S. Constitution grants Congress the power to propose amendments to the Constitution that become effective when ratified by the legislatures of three-fourths of the states. Amendments can have the effect of overturning—in effect repealing—prior decisions of the Supreme Court. This resolution places a question on the November 2014 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v. F.E.C.*

2 **Resolved by the assembly, the senate concurring, That** the following
3 question be submitted, for advisory purposes only, to the voters of this state at the
4 general election to be held in November 2014: *INS 3-25*

5 “The U.S. Supreme Court’s decision in *Citizens United* established that
6 corporations can exercise political speech, allowing corporations to make direct
7 expenditures on elections. Do you believe that Congress should pass an amendment
8 to the U.S. Constitution overturning the *Citizens United* decision and thus allowing

1 the government to regulate and restrict a corporation's ability to raise and spend
2 money on elections?"

3

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1457/2ins
SRM:kjf:jm

INSERT 3-25

1 ¶ "The U.S. Supreme Court's decision in *Citizens United* and related cases allow
2 corporations to spend unlimited amounts of money to influence our local, state, and
3 federal elections. Do you believe that Congress should pass an amendment to the
4 U.S. Constitution overturning these decisions? This would allow the American
5 people, through our elected representatives, to regulate election-related spending
6 to ensure that all citizens, regardless of wealth, can express their views to one
7 another and their government on a level playing field."

Miller, Steve

From: Trost, Craig
Sent: Friday, April 05, 2013 4:04 PM
To: Miller, Steve
Subject: Citizens United Advisory Referendum/4 needed

Mr. Miller,

I apologize, but Rep. Taylor asked me to tweak the wording of the advisory question one more time.

She would like LRB-1781 to read:

-1457

"The U.S. Supreme court's decision in Citizens United allows corporations to spend unlimited amounts of money to influence our local, state and federal elections. Do you believe that Congress should pass an amendment to the U.S. Constitution overturning Citizens United and allowing the American people, through our elected representatives, to regulate and restrict a corporation's ability to raise and spend money on elections?"

Craig Trost

Office of Rep. Chris Taylor

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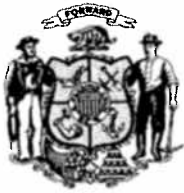
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Craig.trost@legis.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE

in 4-8



LRB-1457/3

SRM:kjf:im

4
RMNR

2013 ASSEMBLY JOINT RESOLUTION

1 **Relating to:** an advisory referendum on an amendment to the U.S. Constitution.

Analysis by the Legislative Reference Bureau

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5 “The U.S. Supreme Court’s decision in *Citizens United* and related cases allow
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2 to ensure that all citizens, regardless of wealth, can express their views to one
3 another and their government on a level playing field.”

4 (END)

INSERT 4

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1457/3ins
SRM:kjf:jm

INSERT 4

1

“The U.S. Supreme court’s decision in *Citizens United* allows corporations to

2

spend unlimited amounts of money to influence our local, state, and federal elections.

3

Do you believe that Congress should pass an amendment to the U.S. Constitution

4

overturning *Citizens United* and allowing the American people, through our elected

5

representatives, to regulate and restrict a corporation’s ability to raise and spend

6

money on elections?”

Miller, Steve

From: Trost, Craig
Sent: Tuesday, June 11, 2013 11:43 AM
To: Miller, Steve
Subject: Citizens United language/6

Mr. Miller,

I believe this will be /6 for Rep. Taylor's Citizens United advisory referendum draft. Below is the language agreed upon by all stakeholders and thus, should be the final draft. Would you please replace the current language in the bill draft with the information below:

The US Supreme Court's decisions in Citizens United and related cases allow unlimited spending to influence local, state and federal elections. To allow all Americans to have an equal say in our democracy, shall Wisconsin's Congressional delegation support, and the Wisconsin Legislature ratify, an amendment to the United States Constitution stating:

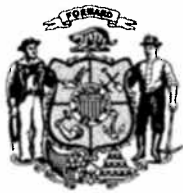
1. Only human beings -- not corporations, unions, non-profits or similar associations -- are endowed with constitutional rights, and
2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to restricting political speech.

Feel free to let me know if you have any questions!

Craig Trost

Office of Rep. Chris Taylor
PO Box 8953
Madison, WI 53708
608.266.5342
Craig.trost@legis.wi.gov

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3 question be submitted, for advisory purposes only, to the voters of this state at the
4 general election to be held in November 2014:

5 “The U.S. Supreme Court’s decision in *Citizens United* allows corporations to
6 spend unlimited amounts of money to influence our local, state, and federal elections.
7 Do you believe that Congress should pass an amendment to the U.S. Constitution
8 overturning *Citizens United* and allowing the American people, through our elected

1 representatives, to regulate and restrict a corporation's ability to raise and spend
2 money on elections?"

3 (END)

INSERT # 1

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1457/4ins
SRM:kjf:ph

INSERT #1

1 "The U.S. Supreme Court's decisions in *Citizens United* and related cases allow
2 unlimited spending to influence local, state, and federal elections. To allow all
3 Americans to have an equal say in our democracy, shall Wisconsin's Congressional
4 delegation support, and the Wisconsin Legislature ratify, an amendment to the
5 U.S. United States Constitution stating:

6 1. Only human beings—not corporations, unions, non-profits, or similar
7 associations—are endowed with constitutional rights, and

8 2. Money is not speech, and therefore limiting political contributions and
9 spending is not equivalent to restricting political speech?"

10 (END)

Barman, Mike

From: Trost, Craig
Sent: Thursday, August 08, 2013 2:52 PM
To: LRB.Legal
Subject: LRB1457/5 re: Citizen's United Advisory Referendum

Could you please send the Assembly jacket of this bill to Rep. Taylor?

Thanks!

Craig Trost

Office of Rep. Chris Taylor
PO Box 8953
Madison, WI 53708
608.266.5342
Craig.trost@legis.wi.gov

Want the scoop? Check us out at:

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